

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 17 2016	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

1 VANITA GUPTA
 2 Principal Deputy Assistant Attorney General – Civil Rights Division
 3 ADAM D. HARRIS
 4 DANA MULHAUSER
 5 Trial Attorneys
 6 601 D Street NW, 5th Floor
 7 Washington, D.C. 20530
 8 202-305-0007

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA, } CRIMINAL INDICTMENT
 10 }
 11 Plaintiff, } 2:16-CR- 153
 12 }
 13 v. } VIOLATIONS:
 14 }
 15 JAMES LESCINSKY, } 18 U.S.C. § 242 – Depravation of Rights
 16 }
 17 Defendant. } Under Color of Law;
 18 }
 19 } 18 U.S.C. § 1512 – Tampering With a
 20 } Witness;
 21 }
 22 } 18 U.S.C. § 1519 – Falsification of a
 23 } Document

THE GRAND JURY CHARGES THAT:

COUNT ONE (Depravation of Rights Under Color of Law)

On or about May 21, 2015, in the State and Federal District of Nevada,

JAMES LESCINSKY,

while acting under color of law as an officer for the Clark County School District Police Department, struck T.R. with a baton, acting with deliberate indifference to a substantial risk that T.R. would be physically harmed, and thereby willfully deprived T.R., a private citizen, of the right secured and protected by the Constitution and laws of the United States not to be deprived of liberty without

1 due process of law. This offense resulted in bodily injury to T.R. and involved the
2 use and attempted use of a dangerous weapon.

3 All in violation of Title 18, United States Code, Section 242.
4

5 **COUNT TWO**
6 **(Depravation of Rights Under Color of Law)**

7 On or about May 21, 2015, in the State and Federal District of Nevada,

8 **JAMES LESCINSKY,**

9 while acting under color of law as an officer for the Clark County School District
10 Police Department, struck A.N. with a baton and slammed her into a hallway wall
11 and onto the floor, and thereby willfully deprived A.N., a private citizen, of the
12 right secured and protected by the Constitution and laws of the United
13 States to be free from unreasonable seizure, which includes the right to be free
14 from unreasonable force. This offense resulted in bodily injury to A.N. and
15 involved the use and attempted use of a dangerous weapon.

16 All in violation of Title 18, United States Code, Section 242.
17

18 **COUNT THREE**
19 **(Tampering With a Witness)**

20 On or about May 21, 2015, in the State and Federal District of Nevada,

21 **JAMES LESCINSKY**

22 did knowingly corruptly persuade R.V., and attempt to do so, with the intent to
23 hinder, delay, and prevent the communication to a federal law enforcement officer
24 of information relating to the commission or possible commission of a federal

offense. Specifically, after assaulting T.R. and A.N., Lescinsky falsely told R.V. that the assault occurred because T.R. and A.N. were wrestling with each other, and that A.N. was being combative.

All in violation of Title 18 United States Code, Section 1512(b)(3).

COUNT FOUR
(Falsification of a Document)

On or about May 21, 2015, in the State and Federal District of Nevada,

JAMES LESCINSKY,

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly falsified and made false entries in a document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, Lescinsky falsified an official incident report by including statements he knew to be false, namely: 1) that A.N. was yelling obscenities before she was struck, 2) that A.N. was aggressive, threatening, and non-compliant, 3) that A.N. and T.R. were wrestling with each other, 4) that he issued two verbal commands to A.N. prior to the baton strike, 5) that he took out his baton only after entering the room, and 6) that he guided A.N. to the wall in the hallway.

All in violation of Title 18 United States Code, Section 1519.

COUNT FIVE
(Falsification of a Document)

On or about May 21, 2015, in the State and Federal District of Nevada,

JAMES LESCINSKY,

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly falsified and made false entries in a document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, Lescinsky falsified an official use of force report by including statements he knew to be false, namely: 1) that A.N. was aggressive, threatening, and non-compliant, 2) that A.N. and T.R. were wrestling with each other, 4) that he issued multiple verbal commands to A.N. prior to the baton strike, 5) that he took out his baton only after entering the room, and 6) that he guided A.N. to the wall in the hallway.

All in violation of Title 18 United States Code, Section 1519.

DATED: this 17th day of May, 2016

A TRUE BILL:

**/S/
FOREPERSON OF THE GRAND JURY**

VANITA GUPTA

Principal Deputy Assistant Attorney General – Civil Rights Division

**ADAM D. HARRIS
DANA MULHAUSER
Trial Attorneys**